

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION FOR RECONSIDERATION

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and respectfully requests that the Special Master reconsider her Order Vacating Status Conference and Detailing Further Proceedings filed January 31, 2007 (Doc. No. 8540) (“Order”). The State requests the Special Master to amend her Order to remove the requirement that no later than February 16, 2007, counsel for the State and the Acéquias Norteñas file a joint proposal and schedule for adjudicating claims associated with “the Acéquias Norteñas’ water bank.”¹ The grounds for this motion are as follows:

1. As part of its report on the general status of the adjudication of water rights in these proceedings, the State recently described its efforts and activity in relation to certain claims for water rights associated with the Acéquias Norteñas water bank. The need for the entry of a separate

¹ The Asociación de Acéquias Norteñas de Rio Arriba (“Acéquias Norteñas”) established its “water bank” under the provisions of a Water Conservation Plan adopted on December 2, 2002. The Charter of the Water Conservation Plan was approved by the State Engineer in 2003.

scheduling order to address these claims was not addressed.

2. Claims associated with the Acéquias Norteñas water bank are being processed in a manner similar to any other individual subfile claim for surface water irrigation rights. Primary subfile work in Section 7 (where these claims are located) is a “first priority” matter under the Administrative Order on Case Management Priorities entered September 22, 2006 (Doc. No. 8384). The State believes that no other scheduling order with respect to these claims is necessary or desirable. The resolution of primary subfile work in Section 7 has been recognized by the Court as a first priority matter, and the entry of specialized schedules for one group of remaining claims may simply have the effect of delaying action on others. The State believes it should have the flexibility to schedule work on remaining claims in Section 7 in a manner that it sees as the most efficient, in consultation with the parties involved. In addition, the State and the parties have made good progress in the resolution of claims associated with the Acéquias Norteñas water bank, which can be reported and considered at regularly scheduled status conferences with the Special Master.

3. Counsel for the Asociación de Acéquias Norteñas de Rio Arriba supports the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests that the Special Master reconsider her Order Vacating Status Conference and Detailing Further Proceedings filed January 31, 2007, and remove the requirement that no later than February 16, 2007, counsel for the State and the Acéquias Norteñas file a joint proposal and schedule for adjudicating claims associated with the Acéquias Norteñas water bank.

DATED: February 7, 2007

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7 day of February, 2007 I filed the foregoing electronically through the CM/ECF system.

/s/ Ed Newville
Edward G. Newville